

THE LAW OFFICES OF

***STEVEN L. KESSLER***

November 7, 2007

**VIA ECF**

The Honorable Richard M. Berman  
United States District Judge  
Southern District of New York  
500 Pearl Street  
New York, N.Y. 10007

Re: ***Mark Kapiti v. Raymond W. Kelly, et al.***  
**Index No. 07 Civ. 3782 (RMB)**

Dear Judge Berman:

This office represents plaintiff Mark Kapiti in the referenced civil rights action.

On Tuesday, November 5, this office was informed that Your Honor set November 15 as the date for a settlement conference. Unfortunately, I expect to be out of town on that date, and will not return until November 19. I contacted your chambers and was advised to send this letter.

I am available November 20 and 21, or any day the following week. I am scheduled to appear at a conference before Judge Deborah Batts at 11:30 a.m. on November 30, so I am available any time either before or after that conference. I have attempted unsuccessfully to contact Philip Frank of the Corporation Counsel's office to confirm his availability on any of these dates.

Accordingly, this office respectfully requests that the conference currently scheduled for November 15 be adjourned to a date and time consistent with the foregoing.

***The Honorable Richard M. Berman***  
***November 7, 2007***

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Thank you for your kind consideration in this matter.

Respectfully submitted,

*Steven L. Kessler*

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SLK:rmaf

cc: ACCs Philip S. Frank & David M. Hazan